

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the Commission's Own Motion,)	
regarding the regulatory reviews, determinations,)	
and/or approvals necessary for CONSTELLATION)	Case No. U-16646
ENERGY SERVICES, INC. to fully comply with)	
Public Acts 286 and 295 of 2008.)	
_____)	

At the December 7, 2017 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Norman J. Saari, Commissioner
Hon. Rachael A. Eubanks, Commissioner

ORDER

On June 29, 2017, Constellation Energy Services, Inc. (CES), filed an application for approval of an amended renewable energy plan (REP), pursuant to Section 23 of 2008 PA 295 (Act 295), MCL 460.1023(4).¹

Section 22(3) of Act 295, MCL 460.1022(3), requires that the Commission provide an opportunity for public comment on CES's amended REP. CES distributed a notice of opportunity for public comment in accordance with the instructions of the Commission's Executive Secretary. Comments were due to be filed November 17, 2017. No comments were received.

¹ Effective April 20, 2017, MCL 460.1023 was repealed pursuant to 2016 PA 342 (Act 342), and it was replaced by MCL 460.1022.

The Commission Staff (Staff) reviewed CES's application that calculates its renewable energy credit requirement for 2016 through 2018 based on 10% of the previous year's weather normalized retail sales, and the Staff recommended that the Commission find that CES's request is in partial compliance with the requirements of Act 295, as amended by Act 342.

The Commission finds that the renewable energy credit calculation set forth in the application should be approved. However, the Commission also finds that CES's application is otherwise deficient because it was filed under a repealed provision of Act 295 and was not filed in accordance with the filing requirements and instructions set out by the Commission in its August 23, 2017 order (August 23 order) in Case No. U-18409, Exhibit A, p. 5. Specifically, in order for the Commission to make the requisite findings under Section 22(4), alternative electric suppliers (AESs), like CES, are required to provide a detailed resource plan describing the source of renewable energy credits to be used for compliance and risks, if any that might affect the plan or the AES's ability to comply. In addition, under Section 35(1)(a)-(b) of Act 295, the AES shall, if applicable, describe any agreements under the Public Utility Regulatory Policies Act, which are used for compliance with the Act 295 renewable energy standard. Therefore, CES shall refile its REP application by December 15, 2017, in accordance with Act 295, as amended by Act 342, and with the filing requirements issued in the August 23 order.

THEREFORE, IT IS ORDERED that:

A. The renewable energy credit calculation for 2016 through 2018 based on 10% of the previous year's weather normalized retail sales in Constellation Energy Services, Inc.'s amended renewable energy plan of. is approved.

B. Constellation Energy Services, Inc. shall, by the December 15, 2017 deadline, refile its renewable energy plan application, pursuant to 2008 PA 295, as amended by 2016 PA 342, and in

compliance with the filing requirements for alternative electric suppliers set forth in the August 23, 2017 order in Case No. U-18409.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungp1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

By its action of December 7, 2017.

Norman J. Saari, Commissioner

Kavita Kale, Executive Secretary

Rachael A. Eubanks, Commissioner